

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

RUTH SMITH, Individually and as Widow for the)	
Use and Benefit of Herself and the Next Kin of)	
Richard Smith, Deceased,)	
)	
Plaintiff,)	Civil No. 3:05-0444
)	Judge Aleta A. Trauger
v.)	(Dist. Of MA No.
)	1:05-cv-11515PBS)
PFIZER, INC., <i>et al.</i> ,)	
)	
Defendants.)	

**DECLARATION OF MARK S. CHEFFO IN SUPPORT OF
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

I, Mark S. Cheffo, declare and state as follows:

1. I am a partner with the law firm of Skadden, Arps, Slate, Meagher & Flom LLP, counsel for Defendants Pfizer Inc and Warner-Lambert Company LLC. I make this declaration based on my own personal knowledge and information.

2. Attached as Exhibit 1 is a true and correct copy of excerpts from the September 2-3, 2008, deposition of Michael Trimble.

3. Attached as Exhibit 2 is a true and correct copy the non-Tennessee state court decision *Parker v. Bell Ford, Inc.*, 425 So.2d 1101 (Ala. 1983), cited in Defendants' accompanying memorandum of law.

4. Attached as Exhibit 3 is a true and correct copy the non-Tennessee state court decision *Zeigler v. Sony Corp. of America*, 849 A.2d 19 (Conn. Super. Ct. 2004), cited in Defendants' accompanying memorandum of law.

I declare the foregoing statements are true and correct under the penalties of perjury, this the 4th day of December, 2009.

s/ Mark S. Cheffo
Mark S. Cheffo

CERTIFICATE OF SERVICE

I hereby certify that on this the 4^h day of December, 2009, I electronically filed the foregoing document with the Clerk of the Court, United States District Court for the Middle District of Tennessee, using the CM/ECF system. True and correct copies of the foregoing documents are being served via the Court's CM/ECF system.

/s/ Gerald D. Neenan